

REMARKS:

Claims 1-43 are currently pending in the application.

Claims 11-26, 37-40 and 42 are withdrawn from consideration.

Claims 1-10, 27-36, 41, and 43 stand rejected under 35 U.S.C. § 112.

The Applicant respectfully submits that all of the Applicant's arguments and amendments are without *prejudice* or *disclaimer*. In addition, the Applicant has merely discussed example distinctions from the cited prior art. Other distinctions may exist, and as such, the Applicant reserves the right to discuss these additional distinctions in a future Response or on Appeal, if appropriate. The Applicant further respectfully submits that by not responding to additional statements made by the Examiner, the Applicant does not acquiesce to the Examiner's additional statements. The example distinctions discussed by the Applicant are considered sufficient to overcome the Examiner's rejections. In addition, the Applicant reserves the right to pursue broader claims in this Application or through a continuation patent application. No new matter has been added.

REJECTION UNDER 35 U.S.C. § 112:

Claims 1-10, 27-36, 41, and 43 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. The Applicant respectfully disagrees and respectfully traverses the Examiner's rejection of Claims 1-10, 27-36, 41, and 43 under 35 U.S.C. § 112.

On page 4 of the Final Office Action, it is indicated that the:

disclosure does not provide sufficient details: how is it ("pointer") made? What is that claimed "pointer"?

On page 5 of the Final Office Action, the Examiner indicates that

Claims 1-10, 27-36, 41 and 43 are rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. ***These claims contain subject matter which was not described in the specification in such way as to reasonably convey to one skilled in the relevant art that to duplicate this invention without trial and error.*** (emphasis added).

ALSO:

That the specification does not reasonably provide enablement of a claimed software for use in a claimed system.

On page 2 of the Office Action response to our communication of 5/31/05, it is indicated that:

An arguable (core) limitation of the invention's subject matter is using a pointer to [sic] accessing a seller's database; ***this was already known*** (see Barry et al, US Pat 6,615,258, claims 25 or 57; or Tenorio et al, US Pat 6,708,161 – col. 6 lines 8-25, 57-64, or col. 9 lines 35-42

As an initial matter, it is difficult to understand how the Examiner finds a specific lack of enablement of the “pointer” limitation when on 5/31/05 (and admittedly within the context of an obviousness determination), the Examiner found that such a limitation “was already known”.

Moreover, the meaning of the term “pointer” within the computer context is easily and readily discernable by those with common knowledge within the art. For example, the Examiner's reliance upon “geek.com” clearly shows that the term “pointer” has a clear, readily discernable and unmistakable meaning that would be readily appreciated by those with skill in the art. Ultimately, the fact that the term “pointer” is so well known (known enough to play a key role in an obviousness determination) and is so readily capable of definition clearly demonstrates that the description contained within the original specification was sufficient to reasonably convey to one skilled in the relevant art that enough information to duplicate this invention without [undue] trial and error.

The Applicant respectfully submits that independent Claims 1, 27, 41, and 43 are considered to be in full compliance with the requirements of 35 U.S.C. § 112. The Applicant further respectfully submits that independent Claims 1, 27, 41, and 43 are in condition for allowance.

Claims 2-10 and 28-36 depend from independent Claims 1, 27, 41, and 43. Thus, dependent Claims 2-10 and 28-36 are considered to be in condition for allowance for at least the reason of depending from an allowable claim.

Thus, the Applicant respectfully requests that the rejection of Claims 1-10, 27-36, 41, and 43 under 35 U.S.C. § 112 be reconsidered and that Claims 1-10, 27-36, 41, and 43 be allowed.

CONCLUSION:

In view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and early reconsideration and a Notice of Allowance are earnestly solicited.

Although the Applicant believes no fees are deemed to be necessary; the undersigned hereby authorizes the Commissioner to charge any additional fees which may be required, or credit any overpayments, to **Deposit Account No. 500777**. If an extension of time is necessary for allowing this Response to be timely filed, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) to the extent necessary. Any fee required for such Petition for Extension of Time should be charged to **Deposit Account No. 500777**.

Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.

Respectfully submitted,

30 July 2007
Date

/Steven J. Laureanti/signed
Steven J. Laureanti, Registration No. 50,274

BOOTH UDALL, PLC
1155 W. Rio Salado Pkwy., Ste. 101
Tempe AZ, 85281
214.636.0799 (mobile)
480.830.2700 (office)
480.830.2717 (fax)
steven@boothudall.com

CUSTOMER NO. 53184